

**PROCEEDINGS OF THE BROWN COUNTY  
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on May 11, 2017 at 8:00 am in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

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**Present:** Chair Judge Walsh, Supervisor Joan Brusky, Supervisor Pat Evans, County Executive Troy Streckenbach, Citizen Representative Bob Srenaski, Health and Human Services Director Erik Pritzl, Program Vice President of Family Services Angela Steuck, Public Defender Tara Teesch, District Attorney David Lasee, Jail Captain Larry Malcomson, Probation and Parole Representative Jeremy Donath, Clerk of Courts John Vander Leest

**Excused:** District Court Administrator Tom Schappa, Probation and Parole Representative Jennifer Hornacek, Citizen Representative Tim Mc Nulty, Sheriff John Gossage, TAD Grant Coordinator Mark Vanden Hoogen, Judge Zuidmulder

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**1. Call Meeting to Order.**

The meeting was called to order by Chair Walsh at 8:00 am.

**2. Approve/Modify Agenda.**

Motion made by Joan Brusky, seconded by Troy Streckenbach to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**3. Approve/modify Minutes of March 23, 2017.**

Motion made by Pat Evans, seconded by Joan Brusky to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**4. Jail Population Numbers (Larry Malcomson).**

Jail Captain Larry Malcomson informed the jail is currently at 92% capacity and there are 40 inmates shipped out to Outagamie County. There are also just less than 100 people on the home monitor program. County Executive Troy Streckenbach asked how long the 40 inmates have been shipped out and Malcomson said this has been going on since about February. Streckenbach said the 2017 budget included about \$180,000 to outsource 10 inmates per day. With 40 inmates being shipped out, the cost would be \$728,000. The operational costs of staffing a new pod will be surpassed by the amount being spent on shipping inmates out and this is money that would not be available to help address the needs of other departments in the County. Streckenbach said he has instructed administration to set aside \$500,000 of the tax levy to fund these responsibilities in the next budget. Malcomson assured they are doing all they can with regard to jail capacity issues. Streckenbach said his responsibility is to be sure that the programs of the County are funded and managed.

Judge Walsh asked how many of the inmates being shipped out are in pretrial status. Malcomson said he would have to run a report for exact figures but said it is a large number. The most-recent bond report had 40 some pages of people in jail on bond amounts ranging from zero to \$100,000. Citizen Representative Bob Srenaski asked how much data would be available in the database to look at regarding bonds. Malcomson responded that their system goes back to 2009, but the software company would be able to retrieve earlier data. Srenaski would like more information on the data that goes into the system and Malcomson felt the Sheriff would be receptive to providing the information.

**5. NIC Follow-Up Report (Sheriff Gossage).**

Malcomson said this group has all received a copy of the report via e-mail from Sheriff Gossage. The Sheriff has requested the second phase, the PONI (Planning of New Institutions) study to be done by NIC and he would like the

members of this Board to participate in the PONI study. Judge Walsh noted that the NIC meeting took place at the same time as this Board meeting and in the future he would like to be notified so this meeting can coincide with that meeting. Malcomson has already talked to the Sheriff about this to be sure that does not happen again.

**Motion made by Pat Evans, seconded by Joan Brusky to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**6. TAD Grant Programs: Case Manager new hire for Treatment Court (David Lasee).**

Judge Walsh indicated this grant is applied for every two years. DA David Lasee said the programs seem to be running well.

**Motion made by Pat Evans, seconded by Joan Brusky to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**7. Day Report Center (Judge Walsh).**

Judge Walsh said this item will be included on the agenda for the foreseeable future and recalled that at the last meeting it was indicated there was some confusion regarding communication between the DRC, the courts and the attorneys. He noted there was a lot of money put into the DRC and it is a good resource and he wants to be sure that it is being utilized appropriately. He has met with Angela Steuck from Family Services on a number of occasions and wants to ensure that she knows if there are any concerns or issues with how the court system is functioning with the DRC that he will work to resolve those issues. Steuck provided some data with regard to the DRC. She said that to date there have been over 100 people referred to the DRC and as of today, there are about 73 people currently actively attending. She noted that sometimes people that are referred do not follow up and show up, or they could be pulled back on a probation hold. DRC staff sits down with every individual as they come into the program to do an intake screen which includes an in depth history. They review the criminal complaint and then talk to the participants about all they have to offer which includes one-on-one services and educational group sessions. Currently there are groups for cognitive thinking/anger management, AODA education, and parenting. These are offered to everyone who is an appropriate candidate and Steuck said many participants attend more than one group. During the one-on-one sessions they talk about core issues, what is driving inappropriate behaviors and what is getting the participant into trouble. They then work to create plans to move forward without repeating the poor choices and mistakes they have made in the past. The people that come in are typically fairly open and willing to work through things to improve their lives and for the most part the participants seem to want the help and know that they need to start making changes in their decisions and behaviors.

Steuck continued that the program manager goes out to the jail every single morning and does a quick screen on the lock up list. They explain the services available at the DRC and ask the inmates if they would be willing to attend. The purpose of those screens is basically to monitor willingness to go to the DRC. If the person says they are agreeable to working with the DRC, this information is provided to the Court Commissioners prior to their afternoon court session so they know who has been screened and who the DRC staff feels are appropriate candidates. They also let the Court know those who refuse services at the DRC. Steuck feels this is where they need to continue to grow because they are not getting a whole lot of yesses. She noted that many of the people who come through the doors at the DRC originally where people they said no to, and she does not know if this is on the jail's end or the DRC end. Judge Walsh said he and Steuck have talked about this and they now have something in place which is very positive. He explained they have agreed to a seven day time frame to more thoroughly evaluate someone and during this time they are able to get further history and have a more intimate discussion about what the DRC has to offer. Many times after this process people will be more willing to attend and the DRC then lets the Court know that the person is appropriate and can continue to attend. If the DRC still feels someone is resistant and will not cooperate, they also let the Court know that.

Steuck continued that things have gotten better following the meetings with the Judges but there is still some room for improvement with communication and processes and she feels they can continue to work this out as they continue to grow. Streckenbach asked what the capacity of the DRC is and Steuck indicated they feel they can handle between 100 – 125. Streckenbach noted the 73 people currently in the program are people that would otherwise be sitting in the jail. He hears that the County needs to invest in other things, but the County already is doing things like the DRC and the TAD programs and treatment courts. The people in the DRC program are not the same people enrolled in the treatment courts and Judge Walsh estimated that there are about 20 participants in each of the treatment courts. The treatment courts are post-conviction while the DRC is pre-disposition.

Srenaski asked if the DRC tracks the success of participants. Steuck said they keep track of the core problem areas and the top two seem to be significant drug and alcohol abuse issues and homelessness. They also track employment and she noted that they have already found numerous people full-time employment. In addition, they try to track who participates in the groups offered and who reoffends. Judge Walsh added that the DRC is only a short-term program because it is only used for people on bond waiting for trial.

Health and Human Services Director Erik Pritzl asked if statistics are tracked beyond DRC completion, such as 6 – 12 months down the line. Lasee agreed that this would be interesting information and Srenaski said that data is important for development and funding successful programs. Judge Walsh said a more straight-forward determination of the success of the DRC would be people showing up in Court and a reduction in bail jumping charges. Lasee agreed that would be the most important measure of success because the purpose of the program is to get people out of the jail and hope they show up in Court. He feels it would also be important to know if these people are reoffending because anecdotally his impression would be that delivering services to them immediately after the offense is a better way to manage the criminal justice population as opposed to the traditional method of sitting on bond doing nothing, and then go through the system and be placed on probation. Public Defender Tara Teesch agreed with Lasee in that getting people involved in programming immediately after their offense is more beneficial than putting them in jail to await trial. Judge Walsh feels there needs to be caution in that if someone is going through a treatment program while they are sitting on bond, and then they plead out and are sentenced to probation, probation will take control of the programming. Then if these people reoffend in six months, it would be difficult to say if it is a result of the DRC or probation. Evans agreed with Judge Walsh and said that if someone reoffends nine months later, we cannot automatically say it is because DRC does not work.

Judge Walsh asked how the DRC comes up with the list of people to interview at the jail. Steuck said they work hand in hand with the screening team at the jail and that is who provides the lock up list to the DRC. If someone is in active detox or on some sort of behavior hold, the DRC does not see those people. The DRC worker actually goes on the India pod and screens the people every morning using the list provided to them in conjunction with dialogue provided by the jail staff. When the report is faxed over to the Court Commissioners, the list is broken down by people who are a yes, people who are a no and people who the DRC did not screen.

Judge Walsh continued that a subcommittee of this Board is trying to look at a tool to screen people who come into the jail that could be translated into a risk assessment including the likelihood that they will reoffend and the likelihood that they will show up in court. This could be used by the Court Commissioners and Judges in assessing whether or not people should be released on bond. This is not being done right now and it has been made clear from the beginning that what the DRC is doing is basically only assessing a person's willingness to work with the DRC; there is no background check or anything like that. Judge Walsh said there are a number of screening tools used throughout the State. Some require interviews while others are based on documents only. The group working on this has evaluated all of the tools and the one they like the best is a PSA tool because it gives a multi-faceted assessment of risk. When talking about risk, it could mean risk not to show up to Court, risk to reoffend or risk to be violent. From the judicial standpoint, all of these things are important in setting bond and the tool they are looking at addresses all three of those things. It is not meant to be a replacement for the discretion of the Judges or Court Commissioners or to prevent attorneys from being able to argue their respective sides; it is just meant to give more information and it does seem to be one of the best tested and validated tools with a very large sample size. The tool

does not pay any attention to race, gender or economic status. Judge Walsh added that in looking at this tool the Criminal Justice Treatment Services Department Head from Outagamie County came to speak with Brown County to share what they are doing in Outagamie County. They have a separate department set aside for justice coordination and they are moving to this tool and have someone in the justice coordination department go out and assess the people utilizing this tool. The Committee working on this in Brown County consists of Judges, the DA, the Court Commissioners and Public Defenders and they have looked at the various tools being used throughout the State. The one being used in Outagamie County seems to be the best and the group would like to suggest that this be used in Brown County, although it will take some dollars to implement. Judge Walsh has spoken with the DRC to see if they could come up with a figure as to what it would cost to train their staff to be trained to administer this tool.

Srenaski asked if there are documented results with regard to this tool in other areas that has accomplished the results Brown County is looking for. Judge Walsh said Outagamie County reduced their jail population when they started using a screening tool, but they have not started to use the particular tool Brown County is looking at. It was noted that currently Brown County is not using any screening tool. Judge Walsh said his understanding is that there is research behind the tool being considered. Lasee added that this is an evidence-based tool and there are also other evidence-based tools. There is a movement in the State in general to use evidence-based management of the criminal justice populations and this is something Milwaukee has been at the forefront of for a long time. They are using robust pretrial screening and pretrial monitoring and they have eliminated the people in their jail on cash bonds of \$5000 or less. Lasee said in Milwaukee County a very small percentage of those coming in to the criminal justice system are actually given cash bonds. In Brown County, there are fairly high cash bonds and Lasee feels that one of the reasons for this is because we do not have robust pretrial service programs. Judge Walsh said an assessment tool provides some cover for Judges and Court Commissioners. Lasee added that these tools do help reduce jail population and get people where they need to go. He estimated that 60 – 70% of the jail population is in pretrial status, meaning that they are awaiting resolution of their cases. If a large number of those people were farmed out to pretrial service programs, which are less intrusive and less costly, it would have the potential to keep the jail population down.

Lasee continued that he is not able to say with certainty that spending more on the screening process will result in less expenditure in the jail. Srenaski said there seems to be evidence that this tool has worked in other areas and has had some impact and that impact can be monetized to show the effect on the budget. Lasee said locations that use screening tools seem to demonstrate over time that their jail populations have been reduced. Judge Walsh said he asked the representative of Outagamie County, Bernie Vetrone, if he would come and talk to this group and explain what they are doing and he was willing to do this.

Lasee said the PSA tool is free, but it is still proprietary and requires training to use it the right way because our data would become their data. It is a free tool, but it is not free to administer. If we are going to do this, we would have to decide how to administer it. Some counties farm this out, while others handle it in-house. Lasee noted that the County has been throwing money at the issue of jail overcrowding but he does not know that it is being done in the most efficient way.

**Motion made by Pat Evans, seconded by David Lasee to contact Bernie Vetrone to request him to attend a future CJC meeting. Vote taken. MOTION CARRIED UNANIMOUSLY**

**8. Mental Health Court (Judge Zuidmulder).**

*This Item was not discussed specifically during this meeting.*

**9. OWI Court (Judge Zuidmulder).**

*This Item was not discussed during this meeting.*

**10. Heroin/Drug Court (Judge Walsh).**

Judge Walsh reported that the new hire is doing very well. The heroin court is not quite at capacity, but Judge Walsh expects it to be there soon. There was one graduate last week and about seven more who will be graduating in the next 45 days.

Lasee said that drug court is currently at about 20 or 21 participants and there are a few more that will be joining the program soon. There have been a few problems with some of the participants, but that is to be expected given the population being served. The mental health court is inching towards capacity and the veteran's court is looking for participants.

Evans encouraged people to attend a graduation of one of the treatment courts as it puts everything in perspective and it is impressive to see the transformations people make. Judge Walsh indicated that there is a standing invitation for people to attend any of the treatment court sessions.

**Motion made by Pat Evans, seconded by Troy Streckenbach to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**11. Future agenda items, if any. None.**

**12. Such other matters as authorized by law.**

Clerk of Courts John Vander Leest said they are getting closer to being done with the OWI PSA. He will share the PSA with the group as soon as it is done.

The next meeting date was discussed and July 13, 2017 at 8:00 am was selected.

**13. Adjourn.**

**Motion made by Pat Evans, seconded by Troy Streckenbach to adjourn at 8:55 am. Vote taken. MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio  
Recording Secretary